



7-19-02 DT20 Rec'd PTO 18 JUL 2002 DAC

EXPRESS MAIL NO.: EL 477 037 498 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Santoro et. al.

Serial No.: 09/937,322

Attn: Mamie P. Person

Filed: September 21, 2001

Attorney Docket No.: 10167-013-999

For: CHEMICAL COMPOUNDS AND THEIR
USES

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

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Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby respectfully petition to withdraw a holding of abandonment as set forth in a Notice of Abandonment mailed on July 11, 2002 in connection with the above-identified application ("the '322 application") because the application was not abandoned in fact. If after due consideration, Applicants' request is denied, then Applicants petition to revive the '322 application under 37 C.F.R. § 1.137(b) as having been unintentionally abandoned.

A copy of the Notice of Abandonment ("Notice") issued by United States Patent and Trademark Office on July 11, 2002 is attached hereto (Exhibit A). The Notice asserts that a timely response to the Notification of Missing Requirements mailed October 30, 2001 was not received.

On October 30, 2001, the United States Patent and Trademark Office mailed a Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office in connection with the '322 application requiring submission of the oath or declaration of the inventors identifying the application by the international application number and the international filing date. The time for response was set to expire two (2) months from the date of the Notification of Missing Requirements, *i.e.*, on December 30, 2001, extendible under 37 C.F.R. § 1.136 (a)(1) to April 30, 2002 if accompanied by a petition for extension of time and the fees set in 37 C.F.R. § 1.17 (a). In response to this Notification of

Missing Requirements, Applicants' representatives timely filed the following documents in the United States Patent and Trademark Office on December 20, 2001:

- (1) A Transmittal in Response to Notification of Missing Requirements;
- (2) a Declaration for Non-Provisional Patent Application executed by Maria Gabriella Santoro;
- (3) a Declaration for Non-Provisional Patent Application executed by Stanley Michael Roberts;
- (4) a Declaration for Non-Provisional Patent Application executed by Thierry Guyot; and
- (5) a copy of the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office.

A copy of each of these documents is attached hereto as Exhibit B.

Further, in support of this assertion, enclosed is a copy of the Post-Card Receipt which was returned to Applicants' representatives stamped received by the United States Patent and Trademark Office on December 20, 2001, evidencing receipt by the United States Patent and Trademark Office of the listed document; and a copy of our log of Express Mail Certification for December 20, 2001, indicating that the response was deposited with the United States Postal Service on that date, using the "Express Mail Post Office to Addressee" service under Express Mail Label No. EL 477 033 139 US. A copy of each of these documents is attached hereto as Exhibit C.

Applicants respectfully contend that the Notice of Abandonment dated July 11, 2002 was issued in error and that the holding of abandonment should be withdrawn. As demonstrated by the above-mentioned facts and accompanying Exhibits, a complete response to the October 30, 2001 Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office was timely filed within the six month statutory period for response. Clearly, there was no abandonment in fact.

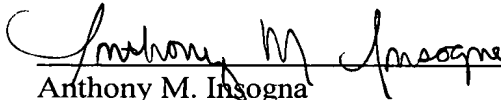
In the event that the United States Patent and Trademark Office does not agree with Applicants' position, Applicants petition for revival of the application under 37 C.F.R. § 1.137(b). The facts establish, and it is hereby stated, that abandonment was unintentional. As explained herein, a response to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office dated October 30, 2001 was timely filed (Exhibit B) and received by the United States Patent and Trademark Office (Exhibits B and

C). Consequently, if Applicants' request for withdrawal of abandonment is denied, this alternative request for revival under 37 C.F.R. § 1.137(b) should be granted.

It is believed that there is no fee required for Applicants' request for reconsideration, since the request arises as a result of an error by the United States Patent and Trademark Office. However, if payment of a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. In the event this paper is treated as a Rule 137(b) petition, please charge the required fee to the aforementioned deposit account. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date July 18, 2002


Anthony M. Insogna 35,203
(Reg. No.)

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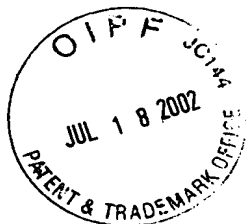
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Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/937,322 ✓	FIRST NAMED APPLICANT Santoro	ATTY. DOCKET NO. 10167-013-999 ✓
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2410

INTERNATIONAL APPLICATION NO. PCT/GB00/01086 ✓	
LA. FILING DATE 03/22/2000	PRIORITY DATE

CONFIRMATION NO. 9500

371
ABANDONMENT/TERMINATION
LETTER



Petition to Revive: 9/11/02^{PM}

Date Mailed: 07/11/2002

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS, mailed 10/30/2001 within the time period set therein.

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Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

MAMIE P PERSON

Telephone: (703) 305-3737

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)